

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KENNEDY LEWIS PARTNERS MASTER FUND  
LP AND KENNEDY LEWIS PARTNERS  
MASTER FUND II,

Plaintiffs,

-against-

ABRY PARTNERS, LLC, APEX CREDIT  
PARTNERS LLC, CIFIC ASSET MANAGEMENT  
LLC, ELLINGTON MANAGEMENT GROUP,  
L.L.C., TRIMARAN ADVISORS MANAGEMENT,  
L.L.C., AND WILMINGTON SAVINGS FUND  
SOCIETY, FSB,

Defendants.  
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No. 21-cv-4690 (ALC)

**NOTICE OF MOTION**

ORAL ARGUMENT REQUESTED

**PLEASE TAKE NOTICE** that, upon the accompanying Lender Defendants' Memorandum of Law in Support of Their Motion to Dismiss or Transfer Venue, dated August 30, 2021, and the accompanying declaration of David P. Salant, dated August 30, 2021, together with the exhibits thereto, Defendants Abry Partners, LLC, Apex Credit Partners LLC, CIFIC Asset Management LLC, Ellington Management Group, L.L.C., and Trimaran Advisors Management, L.L.C. (collectively, the "Lender Defendants"), by and through their undersigned counsel, moves this Court before the Honorable Andrew L. Carter Jr., United States District Judge, in Courtroom 1306 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time to be determined by the Court, to dismiss with prejudice the Complaint in this action, and, in the alternative, to transfer this action to the United States District Court for the District of Delaware.

Pursuant to this Court's scheduling order, ECF No. 45, Plaintiffs' opposition is due on October 4, 2021, and Defendants' replies are due on October 15, 2021.

Dated: August 30, 2021  
New York, New York

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mary Beth Maloney

Mary Beth Maloney  
David P. Salant

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